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8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA

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11 ROYAL YATES,)	
)	
12 Plaintiff(s),)	No. C05-1510 BZ
)	
13 v.)	ORDER DENYING DEFENDANT'S
)	MOTION FOR LEAVE TO FILE
14 GUNNALLEN FINANCIAL and CURT))	MOTION FOR RECONSIDERATION
WILLIAMS,)	OF ORDER DENYING MOTION TO
)	COMPEL ARBITRATION
15 Defendant(s).)	
16 _____))	

17 Defendant GunnAllen Financial's Motion for Leave to File
18 a Motion for Reconsideration of this Court's Order Denying
19 defendant's Motion to Compel Arbitration is **DENIED**.¹

20 Unlike in Reddam, 457 F.3rd 1054 (9th Cir. 2006), the
21 agreement here clearly provides that disputes shall be
22 determined by arbitration before the NYSE or NASD at
23 plaintiff's election. The agreement in Reddam only stated
24 that the rules of a particular forum would be controlling.

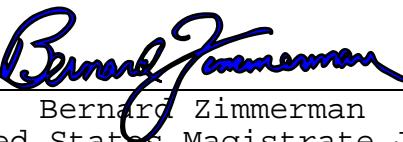
25 I also find that the language permitting plaintiff to

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27 ¹ All parties have consented to the jurisdiction of a
28 United States Magistrate Judge for all proceedings including
entry of final judgment pursuant to 28 U.S.C. § 636(c).

1 select the forum constitutes an integral part of the agreement
2 to arbitrate not severable from that agreement. See id. at
3 1060. To ignore the language would be tantamount to erasing a
4 benefit explicitly granted to the plaintiff.

5 For these reasons, I find no need for argument and
6 defendant's motion is hereby **DENIED**.

7 Dated: October 5, 2006

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10 Bernard Zimmerman
11 United States Magistrate Judge

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